

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 600 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ANIRUDHDH S PANDYA

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR PC MASTER for Petitioner

MR NIGAM SHUKLA for Respondent No.1 & 3

MR PM RAVAL for Respondent No.2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner filed an affidavit before this Court and in Para-2 thereof, he has stated that there is some development and the Government authorities by order dated 16.1.91 have agreed to accept his option with effect from 11.8.82 and have issued necessary orders to that effect. Copy of the said order is enclosed to this affidavit as annexure 'M'. The petitioner further stated in aforesaid

affidavit that in view of the said order, half of his grievances are remedied.

2. The only grievance made by the learned counsel for the petitioner is that though the order in favour of the petitioner is made on 16.1.91, the petitioner has not been given consequential benefits, i.e. promotion and other benefits like difference in salary, deemed date of promotion and higher post on that basis. The petitioner has stated in the said affidavit that during this period, many of his juniors have been promoted to the next higher post. The learned counsel for the petitioner contended that the only relief to be given to the petitioner is that the direction may be issued to the respondent to give the petitioner all the consequential benefits for which he is entitled in pursuance of the order dated 16.1.91.

3. On the other hand, the learned counsel for the respondents contended that the petitioner cannot be given promotion merely because the order dated 16.1.91 has been passed in his favour. The promotion is a matter which depends on the fact that the petitioner is eligible for promotion and he has been adjudged suitable for the same by considering his case by the departmental promotion committee. The petitioner can be given deemed date of promotion only when his case for promotion is considered qua his juniors who have been promoted and he was found suitable. The learned counsel for the respondents fairly conceded that after 16.1.91, this exercise has to be undertaken by the respondents which has not been done so far. He undertakes that the said exercise will be undertaken by the respondents within a reasonable time and in case the petitioner is found suitable for promotion then all the consequential benefits, shall be given to the petitioner.

4. Taking into consideration the aforesaid statements of the counsel for the respondents, I consider that interest of justice will be met in case this Special Civil Application is disposed of with directions to the respondents that the case of the petitioner be considered for promotion from the date on which his juniors have been promoted. On consideration of his case for promotion by the departmental promotion committee, in case the petitioner is found suitable, then all other consequential benefits following therefrom may also be given to the petitioner. The respondents are further directed to undertake this exercise within a period of four months from the date of receipt of certified copy of this order and in case the petitioner is found entitled

for the promotion, then all the consequential benefits should be given to him within three months thereafter. Rule is made absolute in the aforesaid terms with no order as to costs.

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(sunil)